

(2) That unless the debt is repaid within 60 days from the date of OPM's Notice of Intent, OPM intends to collect the debt by requesting the IRS to reduce any amounts payable to the debtor as a Federal income tax refund by an amount equal to the amount of the debt and all accumulated interest and other charges;

(3) A mailing address for forwarding any written correspondence and a contract name and a telephone number for any questions; and

(4) That the debtor may present evidence to OPM that all or part of the debt is not past due or legally enforceable by—

(i) Sending a written request for a review of the evidence to the address provided in the notice;

(ii) Stating in the request the amount disputed and the reasons why the debtor believes that the debt is not past-due or is not legally enforceable;

(iii) Including in the request any documents that the debtor wishes to be considered or stating that the additional information will be submitted within the remainder of the 60-day period.

§ 835.604 Reasonable attempt to notify.

In order to constitute a reasonable attempt to notify the debtor, OPM must have used a mailing address for the debtor obtained from the IRS pursuant to 26 U.S.C. 6103(m)(2) within a period of 1 year preceding the attempt to notify the debtor, unless OPM received clear and concise notification from the debtor that notices from the agency are to be sent to an address different from the address obtained from IRS. Clear and concise notice means that the debtor has provided the agency with written notification, including the debtor's name and identifying number (as defined in 26 CFR 301.6109-1), and the debtor's intent to have the agency notices sent to the new address.

§ 835.605 OPM action as a result of consideration of evidence submitted as a result of the notice of intent.

(a) *Consideration of evidence.* If, as a result of the Notice of Intent, OPM receives notice that the debtor will submit additional evidence or receives ad-

ditional evidence from the debtor within the prescribed time period, any notice to the IRS will be stayed until OPM can—

(1) Consider the evidence presented by the debtor; and

(2) Determine whether or not all or a portion of the debt is still past due and legally enforceable; and

(3) Notify the debtor of its determination.

(b) *Notification to the debtor.* Following review of the evidence, OPM will issue a written decision notifying the debtor whether OPM has sustained, amended, or canceled its determination that the debt is past-due and legally enforceable. The notice will advise the debtor of any further action to be taken and explain the supporting rationale for the decision.

(c) *OPM action on the debt.* (1) OPM will notify the debtor of its intent to refer the debt to the IRS for offset against the debtor's Federal income tax refund, if it sustains its decision that the debt is past-due and legally enforceable. OPM will also notify the debtor whether the amount of the debt remains the same or is modified.

(2) OPM will not refer the debt to the IRS for offset against the debtor's Federal income tax refund, if it reverses its decision that the debt is past-due and legally enforceable.

§ 835.606 Change in notification to Internal Revenue Service.

(a) Except as noted in paragraph (b) of this section, after OPM sends IRS notification of an individual's liability for a debt, OPM will promptly notify IRS of any change in the notification, if OPM—

(1) Determines that an error has been made with respect to the information contained in the notification;

(2) Receives a payment or credits a payment to the account of the debtor named in the notification that reduces the amount of the debt referred to the IRS for offset; or

(3) Receives notification that the individual owing the debt has filed for bankruptcy under title 11 of the United States Code or has been adjudicated bankrupt and the debt has been discharged.

Office of Personnel Management

§ 837.101

(b) OPM will not notify the IRS to increase the amount of a debt owed by a debtor named in OPM's original notification to the IRS.

(c) If the amount of a debt is reduced after referral by OPM and offset by the IRS, OPM will refund to the debtor any excess amount and will promptly notify the IRS of any refund made by OPM.

§ 835.607 Administrative charges.

All administrative charges incurred in connection with the referral of the debts to the IRS will be assessed on the debt and thus increase the amount of the offset.

PART 837—REEMPLOYMENT OF ANNUITANTS

Subpart A—General Provisions

Sec.

837.101 Applicability.

837.102 Definitions.

837.103 Notice.

837.104 Reemployment of former employees of nonappropriated fund instrumentalities.

Subpart B—Annuitant and Employee Status

837.201 Annuitant status.

837.202 Annuities that terminate on reemployment.

837.203 Annuities that are suspended during reemployment.

Subpart C—Coverage and Contributions

837.301 Coverage.

837.302 Agency contributions.

837.303 Annuity offset.

837.304 Agency liability for payments.

837.305 Lump-sum credit not reduced.

837.306 Refund of lump-sum credit.

Subpart D—Reemployment of Disability Annuitants

837.401 Generally.

837.402 Special notice.

837.403 Termination of annuity during reemployment.

837.404 Reinstatement of annuity during a period of employment not subject to CSRS or FERS.

Subpart E—Retirement Benefits on Separation

837.501 Refund of retirement deductions.

837.502 Reinstatement of annuity.

837.503 Supplemental annuity.

837.504 Redetermined annuity.

837.505 Cost-of-living adjustments on Member annuities.

837.506 Computation of redetermined annuity for former employees of nonappropriated fund instrumentalities.

Subpart F—Death Benefits

837.601 Generally.

837.602 Lump-sum payment of retirement deductions.

837.603 Increased survivor benefits.

Subpart G—CSRS Offset

837.701 Offset from supplemental annuity.

837.702 Offset from supplemental survivor annuity.

Subpart H—Alternative Entitlements and Canceled Retirements

837.801 Unperfected entitlement to CSRS benefits based on a prior separation.

837.802 Benefits under another retirement system for Federal employees based on the most recent separation.

837.803 Cancellation of retirement by judicial or administrative authority.

837.804 Finality of elections under this subpart.

AUTHORITY: 5 U.S.C. 8337, 8344, 8347, 8455, 8456, 8461, and 8468; and section 302 of Pub. L. 99-335, June 6, 1986, as amended.

SOURCE: 58 FR 48266, Sept. 15, 1993, unless otherwise noted.

Subpart A—General Provisions

§ 837.101 Applicability.

(a) This part prescribes rules governing—

(1) Reemployment of an annuitant by the Federal Government;

(2) Reemployment of an annuitant by the government of the District of Columbia when the annuitant had been employed subject to CSRS by the District of Columbia prior to October 1, 1987, or is an employee of the government of the District of Columbia not excluded from CSRS under § 831.201(g) or is an employee of the government of the District of Columbia who is deemed to be a Federal employee for FERS purposes under § 842.107; and

(3) The payment of retirement and death benefits based on reemployment covered by this part.

(b) This part is not applicable to reemployment, in the Executive Branch, under 5 U.S.C. 8344(i) or 8468(f) (see part